

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

LORI ANN MORRIS

Plaintiff,

 γ_1

EDWARD NEAL THOMPSON and
FLORIDA TRANSFORMER.

Defendants.

Civil Action No. 3:05-CV-962-T

DEFENDANTS' MOTION TO COMPEL

COMES NOW the Defendants, FLORIDA TRANSFORMER and EDWARD NEAL THOMPSON, and hereby move this Court for an order compelling the Plaintiff to respond to certain outstanding discovery and to Defendants' Motion for a More Definite Statement. In support of said motion, Defendants submit the following:

Procedural Background

1. On or about October 6, 2005, Defendant Florida Transformer filed a Motion for a More Definite Statement.
2. On December 7, 2005, this Court entered an order granting Defendants' Motion for More Definite Statement and gave the Plaintiff 14 days in which to respond to this Court's order.
3. On or about February 22, 2006, Defendants filed additional Interrogatories and also filed Request for Production of Documents.
4. Plaintiff has not responded to Defendants' February 22, 2006 Interrogatories or Request for Production of Documents. In addition, Plaintiff has failed to comply with this

Court's December 7, 2005 order granting Defendants' Motion for a More Definite Statement.

5. Attached hereto as Exhibit 1 is a copy of the April 5, 2006 letter sent to Plaintiff's counsel requesting that Plaintiff provide responses to the outstanding discovery. After not receiving any discovery responses, Plaintiff's counsel was contacted by telephone to discuss the issues regarding outstanding discovery. Attached hereto as Exhibit 2 is a copy of the May 3, 2006 letter sent to Plaintiff's counsel, again asking that the discovery be provided immediately.

6. Plaintiff has failed to respond in any respect to the Defendants' Interrogatories or Request for Production or the Defendants' request that Plaintiff do so. Defendants therefore seek an order from this Court compelling the Plaintiff to respond to the Interrogatories and Request for Production within 10 days.

7. Defendants also request that Plaintiff comply with this Court's December 7, 2005 order within 10 days or face sanctions from this Court.

Respectfully submitted,

/s/ Richard E. Broughton
Richard E. Broughton

/s/ W. Evans Brittain
W. Evans Brittain

Attorneys for Edward Neal Thompson and
Florida Transformer

OF COUNSEL:

Ball, Ball, Matthews & Novak, P.A.
2000 Interstate Park Drive
Suite #204 [36109-5413]
P.O. Box 2148
Montgomery, Alabama 36102-2148
Telephone (334) 387-7680
Telefax (334) 387-3222
rbroughton@ball-ball.com
ebrittain@ball-ball.com

CERTIFICATE OF SERVICE

I hereby certify that on this May 10, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Henry Lee Penick
hlpénick@bham.rr.com
hlpénick@penickandassoc.com

Manual Notice List

Edward A. Robinson, III
600 North Foster Street
P O Box 3131
Baton Rouge, LA 70821

/s/ W. Evans Brittain

OF COUNSEL